

AMENDED AND RESTATED  
MODIFIED LAND USE AND DEVELOPMENT PLAN

LARNED-BATES REHABILITATION  
PROJECT

Detroit, Wayne County, Michigan

July \_\_, 1989

LARNED-BATES REHABILITATION PROJECT

AMENDED AND RESTATED  
MODIFIED LAND USE AND DEVELOPMENT PLAN

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## B. DESCRIPTION OF PROJECT

### 1. Boundaries

- a) The Larned-Bates Rehabilitation Project is located within the City of Detroit, County of Wayne, State of Michigan. The boundary of the development area is described as follows:

Beginning at a point at the intersection of the centerline of East Congress Street and a line 45 feet west of and parallel to the east right-of-way line of Woodward Avenue extended; proceeding from this point easterly along the centerline of East Congress Street to a point where the centerline of East Congress Street intersects the east right-of-way line of to-be-vacated Bates Street extended; proceed southerly along the latter line to its intersection with the centerline of East Larned Street; proceed westerly along the centerline of East Larned Street to its intersection with the line 45 feet west of and parallel to the east right-of-way line of Woodward Avenue; proceed northerly along this line to the point of beginning.

- b) The development area is shown on the Modified District Plan attached hereto as Exhibit A.

### 2. Development Plan Objectives

#### Urban Form

To continue the pattern of prominent buildings along lower Woodward Avenue forming a gateway between the Civic Center and the open area of Kennedy Square.

To provide for compatibility of the development in the Civic Center and Lower Woodward Area by encouraging the design of a predominant structure whose architectural character, including color, proportion, scale, and texture will be compatible with, and will enhance neighboring structures.

#### Circulation

To improve vehicular circulation by minimizing the impact of the traffic flow on Woodward Avenue traffic flow, encouraging instead the use of Congress and Larned Streets for access to the site.

To improve pedestrian circulation about the site by providing and enhancing major pedestrian routes along Woodward Avenue, by providing the opportunity for maintaining a pedestrian route across the site in the vicinity of to-be-vacated Bates Street and by not precluding the possibility of an above-grade circulation system over Larned and Congress Streets.

#### Activity

To encourage public accessibility and use of significant areas convenient to passing pedestrian traffic by providing for at-grade public spaces leading to commercial, service and/or entertainment functions which maximize the participation of the general public in the development.

To extend the activity-use patterns of this area of the C.B.D. by encouraging parts of the development to be in use longer than normal office hours.

To provide a pedestrian-oriented environment in publicly accessible areas near grade level by encouraging design relating to a human scale, and enhancing the pedestrian level cityscape.

#### Further Criteria

##### 1) Vehicular Circulation

- a) Vehicular access and service patterns should not unnecessarily burden the Woodward Corridor.
- b) Vehicular access to drop off, parking, or service areas should not interfere with pedestrian movement along Woodward Avenue.

##### 2) Vistas - the view of the City-County Building from north on Woodward Avenue should, to the extent possible, be significantly preserved.

##### 3) This development should not preclude or discourage future development of an above-grade pedestrian system.

#### Submitting Proposals

When submitting a proposal for consideration by the City of Detroit, the developer should demonstrate to what degree he has or has not considered these criteria by submitting the following items for review:

- 1) a site plan including surrounding blocks
- 2) a cross-section
- 3) a typical floor plan
- 4) a grade level plan
- 5) plans for any other 'special' or unusual areas
- 6) a rendering of the development, showing the scale of the proposed development.
- 7) diagram showing on-site pedestrian traffic in relation to pedestrian traffic in the Central Business District of the City of Detroit ("CBD").
- 8) diagram showing proposed vistas of the building.
- 9) Study of surface treatments (including scale, textures, and colors) of proposal in relation to surrounding buildings.

- 10) A compilation of net floor areas, with a listing of proportions of areas in each use.

### 3. Type of Proposed Renewal Action

#### a) Clearance and Construction

The project area contained nine commercial structures (the areas acquired by the City of Detroit are shown on the Modified Land Acquisition Plan attached hereto as Exhibit B) which were removed under the provisions of Act 344 of the Public Acts of 1945 of the State of Michigan, as amended. The new development will provide a site for a major, functional, economically sound project which will supplement and add to the usefulness and economic value of the Civic Center and of the CBD and will permit the development of further phases of this project on the development area and the adjacent block currently bounded by Congress, Larned, Randolph and to-be-vacated Bates.

#### b) Public Improvements

- (i) Vacation of Bates Street: Bates Street between Congress and Larned Streets and the alley located in the development area will be vacated, and the utilities located in Bates Street and the alley located in the development area will be relocated or abandoned, with the exception only of the 13'-6" sewer in Bates Street, for which an appropriate easement agreement shall be executed.

- (ii) Vacation of portions of the sidewalk area of Larned and Congress Streets: Certain portions of the sidewalk area on Larned and Congress Streets adjacent to the property line may be vacated below grade, if required by the proposed development, provided that the requisite easements for sidewalk purposes and utilities are retained, in conformity with the requirements of the City of Detroit and its City Engineering Department.

#### c) City of Detroit Policies

The City of Detroit will follow policies which will insure that the design and the construction of all facilities in the project area are in accordance with the Amended and Restated Modified Development Plan objectives.

### C. LAND USE PLAN

1. Amended and Restated Modified Land Use and Development Plan: the map attached as Exhibit D indicates the proposed land use of the development area.
2. Modified R.O.W. Adjustment Plan: the map attached as Exhibit C indicates existing rights-of-way which are designated to be vacated.
3. Declaration of Restrictions: attached as Schedule 1 is a "Declaration of Restrictions" containing all limitations regarding form, extent, or type of buildings and land uses for the development area deemed appropriate by the Housing Commission.

This Declaration of Restrictions shall become part of the sales agreement between the City of Detroit and the proposed developer, and shall be recorded with the property deed as being a continuing, limiting covenant upon the use of that land for a period of time and under such circumstances as shall be enumerated in the document itself.

D. PROVISIONS TO MEET STATE AND LOCAL PROVISIONS

1. Relocation Plan

All relocation of residents and businesses from the development area has been completed as required by Section 4 (c) of the Rehabilitation of Blighted Areas Act, Act 344 of the Public Acts of 1945 of the State of Michigan, as amended. The only use of the site is a surface parking lot which use will be terminated upon sale of the site to a proposed developer.

2. Estimated Cost of Public Improvements

The Estimated Cost of Public Improvements to be made within the development area is hereby made a part of this Amended and Restated Modified Development Plan as required by Section 4(c) of the Rehabilitation of Blighted Areas Act, Act 344 of the Public Acts of 1945 of the State of Michigan, as amended. The total estimated cost of the relocation of utilities, both public and private is \$1,000,000.00.

3. District Plan

The Modified District Plan attached as Exhibit A is hereby made a part of the Amended and Restated Modified Development Plan as required by Section 4 (c) of the Rehabilitation of Blighted Areas Act, Act 344 of the Public Acts of 1945 of the State of Michigan, as amended.

4. Right-of-Way Adjustment Plan

The Modified Right-of-Way Adjustment Plan attached as Exhibit C is hereby made a part of the Amended and Restated Modified Development Plan as required by Section 4 (c) of the Rehabilitation of Blighted Areas Act, Act 344 of the Public Acts of 1945 of the State of Michigan, as amended.

5. Property Lines

Part A of the Modified Land Use and Development Plan, showing the approximate dimensions of the property lines in the development area (the "Property"), is attached hereto as Exhibit D.

6. Setbacks

Part B of the Modified Land Use and Development Plan, showing the required setbacks for the development area of not less than 30 feet by 190 feet in two areas adjacent to Larned and Congress, is attached hereto as Exhibit E.

7. Zoning Plan

The Zoning Plan attached hereto as Exhibit F is hereby made a part of this Amended and Restated Modified Development Plan.

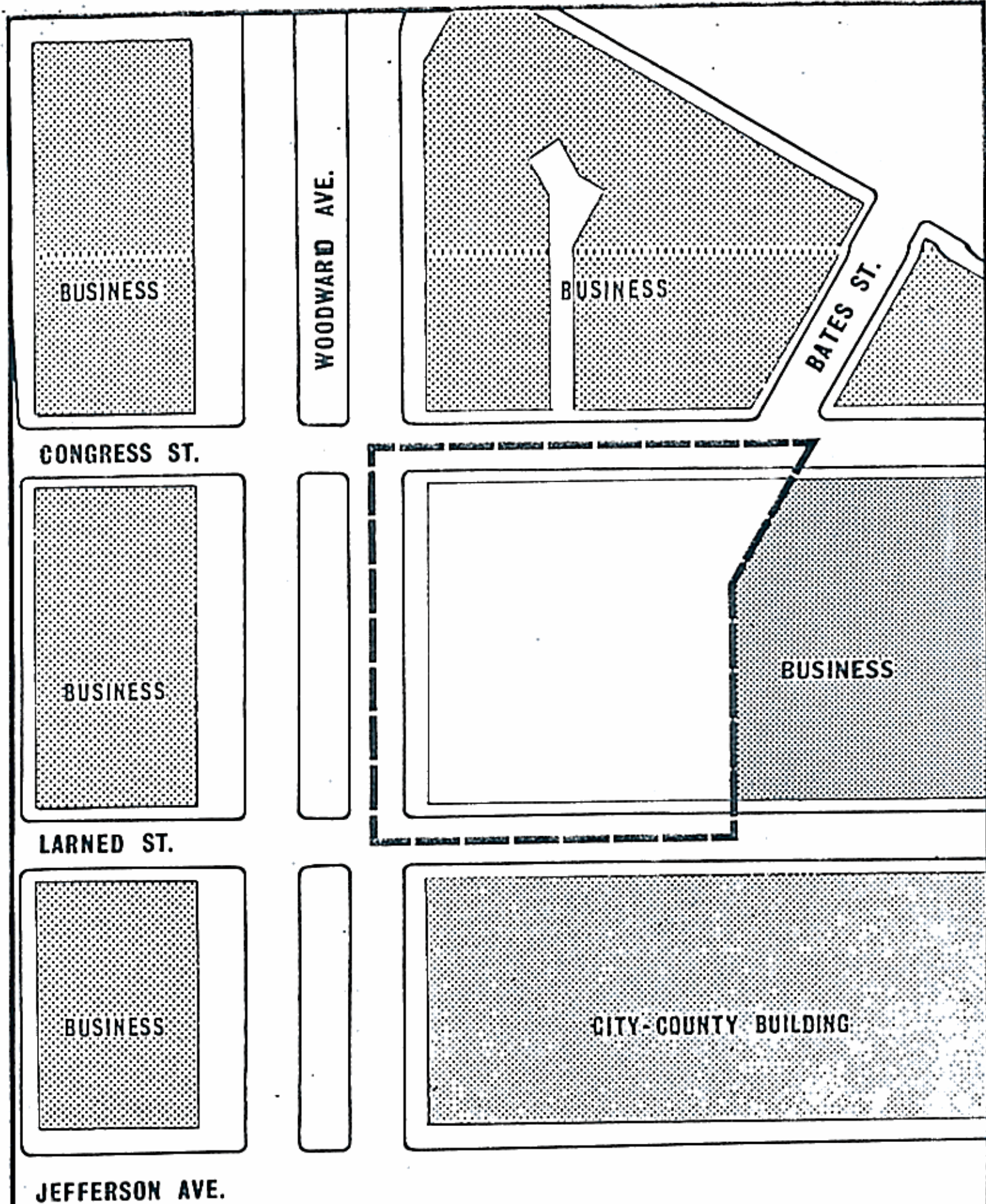
8. Procedure for Changes in the Approved Plan

If, prior to the execution of an agreement of sale or development agreement for the Property, and subsequent to the approval of this Amended and Restated Modified Development Plan, the Common Council of the City of Detroit desires to modify or change said Amended and Restated Modified Development Plan, it shall hold a public hearing thereon, notice of such hearing to be given as provided by applicable State and Local law. If the modification or change is approved by the City Council, it shall become a part of the approved Amended and Restated Modified Development Plan.

9. Replacement of Previously Adopted Plans

This Amended and Restated Modified Land Use and Development Plan shall amend and replace in its entirety any and all Modified Land Use and Development Plans previously adopted with respect to the development area or the Property.

D12471



# EXHIBIT A

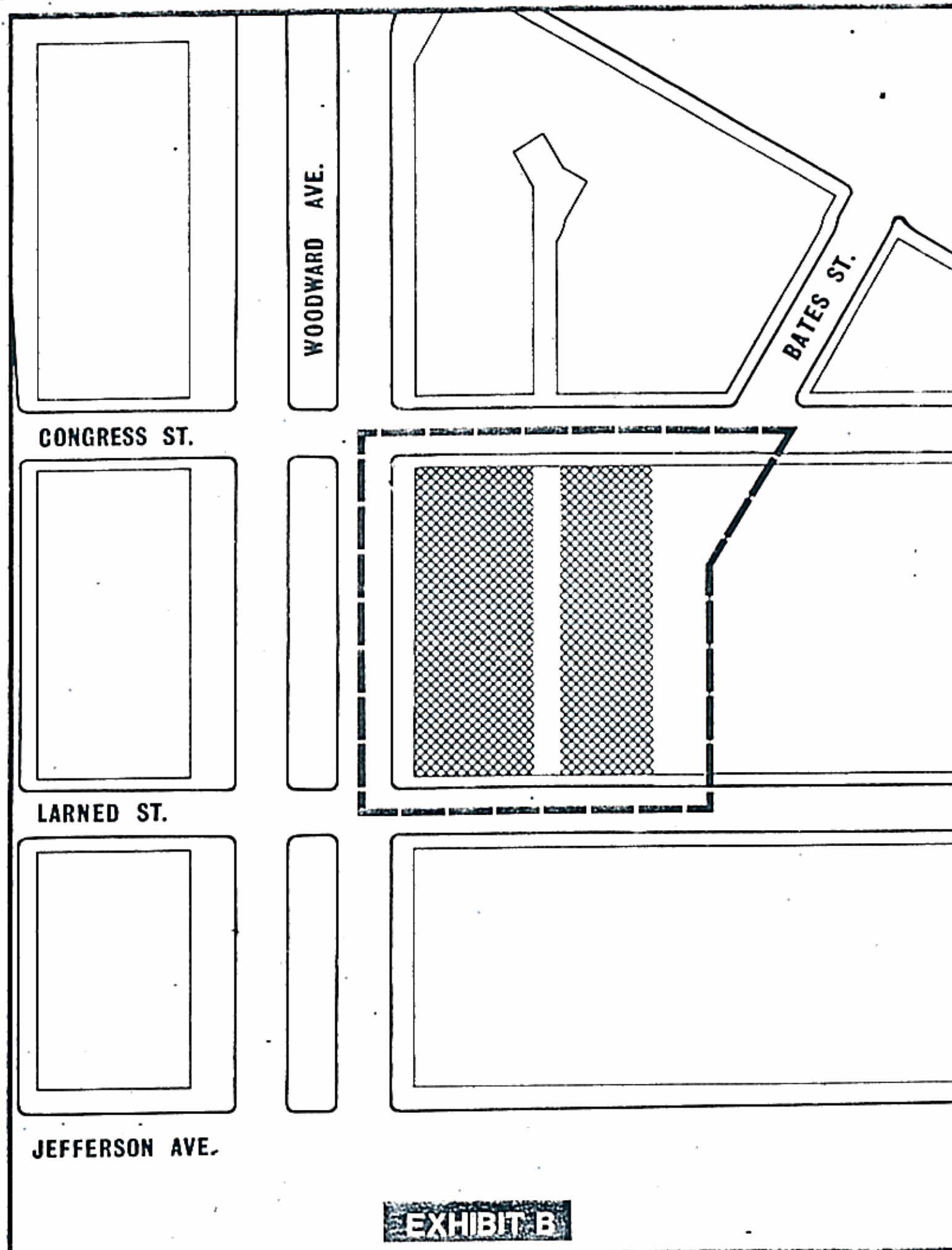
## LARNED-BATES REHABILITATION PROJECT

### MODIFIED DISTRICT PLAN

KEY:  
 PROJECT BOUNDARY

REVISION	DATE	BY	REASON
1	10/1/77	J. J. J.	INITIAL
2	10/1/77	J. J. J.	INITIAL
3	10/1/77	J. J. J.	INITIAL
4	10/1/77	J. J. J.	INITIAL
5	10/1/77	J. J. J.	INITIAL
6	10/1/77	J. J. J.	INITIAL
7	10/1/77	J. J. J.	INITIAL
8	10/1/77	J. J. J.	INITIAL
9	10/1/77	J. J. J.	INITIAL
10	10/1/77	J. J. J.	INITIAL

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
 150 MICHIGAN AVENUE DETROIT, MICHIGAN 48226  
 CITY OF DETROIT




# EXHIBIT B

## LARNED-BATES REHABILITATION PROJECT

### MODIFIED LAND ACQUISITION PLAN

KEY:

— PROJECT BOUNDARY

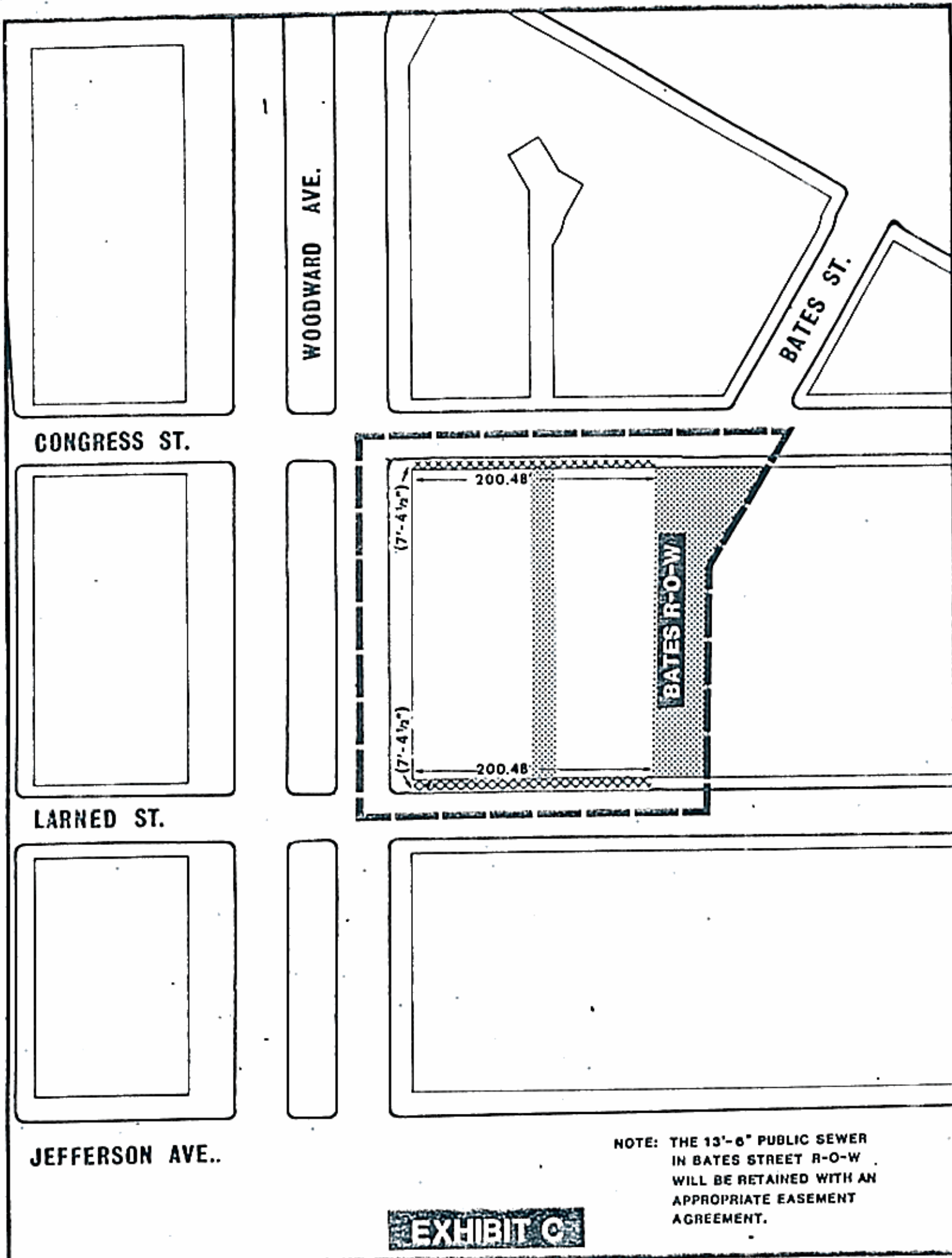
 LAND ACQUIRED

REVISION	DATE	BY	REASON
1	1-11-71	J.P.	INITIAL
2	1-11-71	J.P.	INITIAL
3	1-11-71	J.P.	INITIAL
4	1-11-71	J.P.	INITIAL
5	1-11-71	J.P.	INITIAL
6	1-11-71	J.P.	INITIAL
7	1-11-71	J.P.	INITIAL
8	1-11-71	J.P.	INITIAL
9	1-11-71	J.P.	INITIAL
10	1-11-71	J.P.	INITIAL

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150 MICHIGAN AVENUE DETROIT, MICHIGAN 48226

CITY OF DETROIT



**LARNED - BATES  
REHABILITATION PROJECT**

MODIFIED

**RIGHT-OF-WAY ADJUSTMENT PLAN**

REVISION	DATE	BY	CHKD
1	10/10/88	J. J.	J. J.
2	10/10/88	J. J.	J. J.
3	10/10/88	J. J.	J. J.
4	10/10/88	J. J.	J. J.
5	10/10/88	J. J.	J. J.
6	10/10/88	J. J.	J. J.
7	10/10/88	J. J.	J. J.
8	10/10/88	J. J.	J. J.
9	10/10/88	J. J.	J. J.
10	10/10/88	J. J.	J. J.

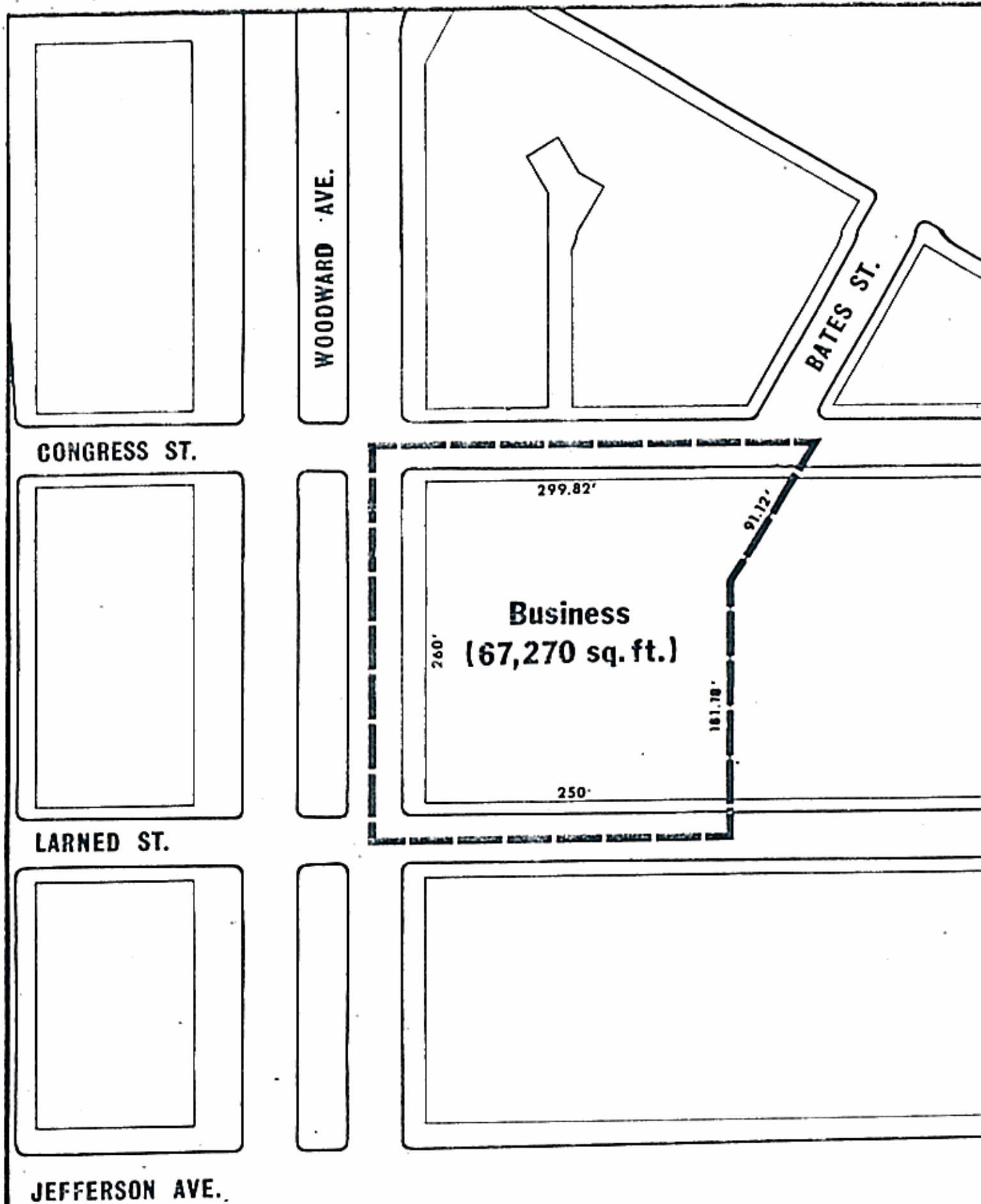
KEY:	
PROJECT BOUNDARY	
RIGHT-OF-WAY TO BE VACATED	
RIGHT-OF-WAY TO BE VACATED BELOW GRADE	

**COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT**

150 MICHIGAN AVENUE

DETROIT, MICHIGAN 48226

**CITY OF DETROIT**



# EXHIBIT D

## LARNED-BATES REHABILITATION PROJECT

MODIFIED

## LAND USE & DEVELOPMENT PLAN (PART A)

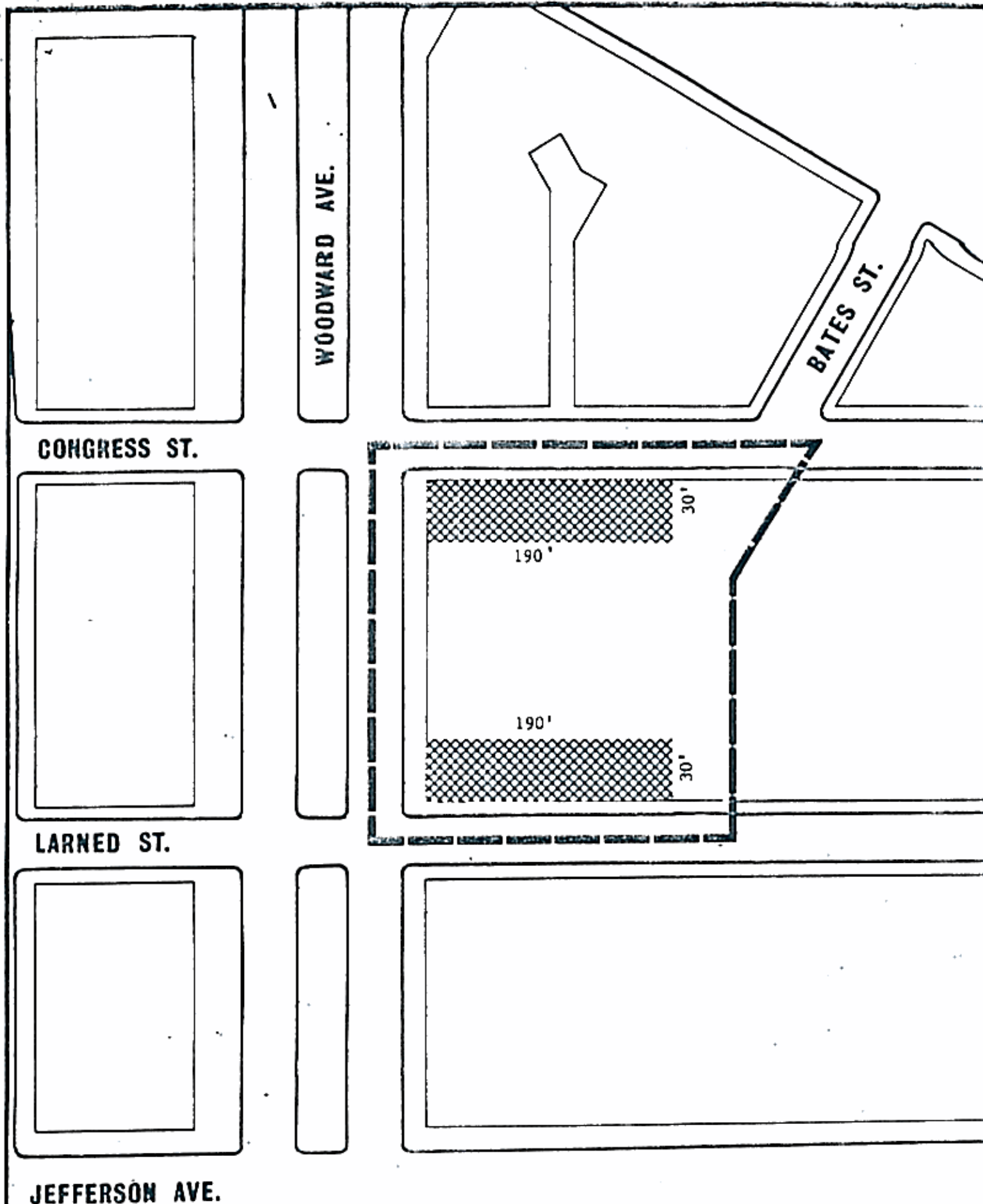
KEY:

EXISTING PROJECT BOUNDARY

REVISION	DATE	BY	REASON
1	1-11-78	JH	INITIAL
2	1-11-78	JH	INITIAL
3	1-11-78	JH	INITIAL
4	1-11-78	JH	INITIAL
5	1-11-78	JH	INITIAL

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150 MICHIGAN AVENUE  
DETROIT, MICHIGAN 48226

CITY OF DETROIT



# EXHIBIT E

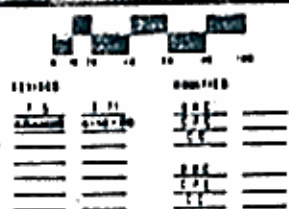
## LARNED-BATES REHABILITATION PROJECT

MODIFIED

## LAND USE & DEVELOPMENT PLAN (PART B)

KEY:

 PROJECT BOUNDARY  
 ABSOLUTE  
ABOVE-GRADE  
ENVELOPING SETBACK

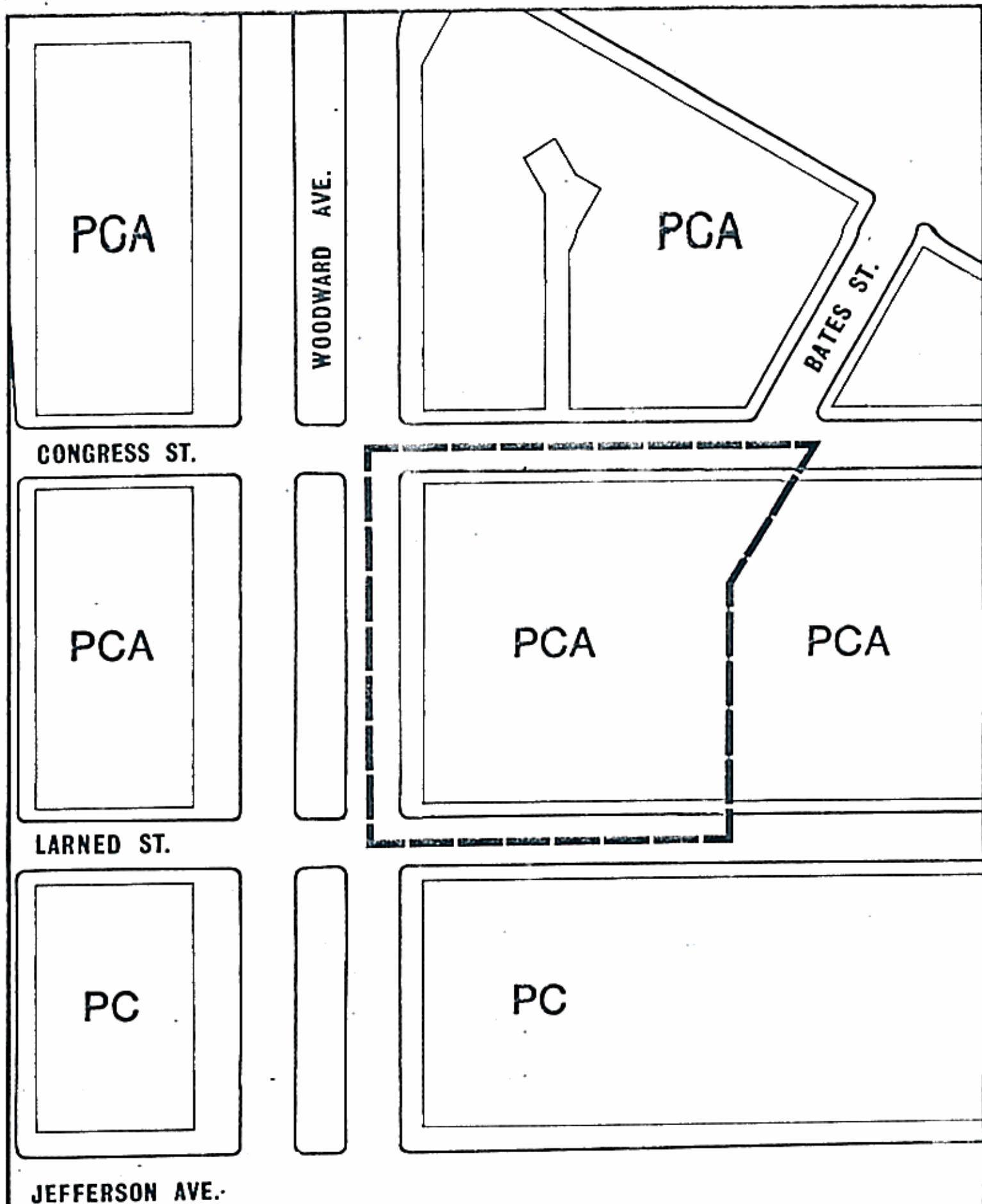


COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT

180 MICHIGAN AVENUE

DETROIT, MICHIGAN 48226

CITY OF DETROIT



## EXHIBIT F

### LARNED-BATES REHABILITATION PROJECT

## ZONING PLAN

REVISED	MODIFIED
1-3	1-3
4-6	4-6
7-9	7-9
10-12	10-12
13-15	13-15
16-18	16-18
19-21	19-21
22-24	22-24
25-27	25-27
28-30	28-30

KEY:  
 DASHED LINE PROJECT BOUNDARY  
 PCA : RESTRICTED CENTRAL BUSINESS DISTRICT  
 PC : PUBLIC CENTER DISTRICT

COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT  
 150 MICHIGAN AVENUE DETROIT, MICHIGAN 48226

CITY OF DETROIT

SCHEDULE 1

DECLARATION OF RESTRICTIONS

LARNED BATES PROJECT

1. Scope

The following restrictions ("Restrictions") shall be binding and effective upon all purchasers (and their heirs, successors, and assigns) of certain property located in the City of Detroit, County of Wayne, Michigan, more particularly described on Exhibit A-1 hereto (the "Property"), and shall remain in effect until January 1, 1999, at which time said Restrictions shall automatically extend for successive periods of ten (10) years, unless the then owners of the Property petition the City Council of the City of Detroit ("City Council") to change said Restrictions in whole or in part; and provided that such change is approved by the City Council.

2. Permitted Uses

The Property shall not be used in whole or in part for other than:

Offices

Businesses

Motels and Hotels

Apartments

Parking Structures

Plaza

or those uses determined by the City Council to be substantially compatible therewith. Business uses shall be limited to the following:

**Businesses:**

Printing and Publishing

Financial establishments

Retail merchandise establishments  
(inc. liquor stores)

Personal service establishments

Restaurants, night clubs and  
establishments for the sale of  
liquor by the glass for consumption  
on the premises

Theatres, radio and television studios  
and assembly halls

Exhibit halls

Private clubs and fraternal groups

Recreation and amusement facilities

Studios.

### 3. Density of Development

- A. Land Coverage: The land coverage of all buildings on the Property shall comply with the bulk limitation restrictions contained in Section 113.0300 of the Detroit Zoning Ordinance, unless those restrictions are altered by City Council as permitted by Section 113.0300 of the Detroit Zoning Ordinance.
- B. Setbacks and Plaza: The setbacks required by the Amended and Restated Modified Land Use and Development Plan (the "Plan") must be maintained. A plaza or plazas consisting of a minimum of 10,000 square feet of the Property as shown in the Plan, must be developed as open space generally available for use by the public and fully landscaped or paved as appropriate.

Upon request, the Community and Economic Development Department ("CEDD") and the City Planning Commission ("Planning Commission") may waive the preceding setback limitations if the owner of the Property supplies an equal square footage of additional setback area for every square foot of encroachment.

### 4. Parking and Loading

#### A. Parking

Any parking structures to be constructed by the owner of the Property shall be subject to the approval of CEDD and the Planning Commission. CEDD and Planning Commission approval or rejection shall come within 30 days of submission of plans for CEDD and Planning Commission review, otherwise the owner of the Property shall be deemed to have satisfied the requirements of this paragraph.

#### B. Loading

Enclosed loading facilities shall be provided on the Property in sufficient quantity to prevent any on-street loading, waiting, or unloading, as approved by CEDD and the Planning Commission.

#### C. Paving

All at-grade parking, loading, and access drives on the Property shall be surfaced with a pavement having a cement binder, or a similar material, so as to provide a permanent, durable, dust-free surface, compatible with the landscaping treatment of the Property.

#### D. Vehicular Access

There shall be no vehicular access to the Property from Woodward Avenue.

E. Sidewalks

Sidewalk areas for pedestrian movement of at least nine and one half (9.5) feet in width shall be provided at the margins of the Larned, Congress and Woodward.

Design and Appearance

- A. Design: The design of any structures constructed on the Property will be of the highest quality and subject to the review of CEDD and the Planning Commission as set forth in Section 113.0200 of the Detroit Zoning Ordinance.
- B. Form: The development of the Property shall be limited to a single dominant building, a 'tower'; with any ancillary forms (including but not limited to a parking garage) being of secondary importance and being attached to the principal tower; ownership of the Property, and/or the structures located thereon, may be divided.
- C. Landscaping: A minimum of 70 percent of those areas of the Property used for walkways, plazas or any type of pedestrian uses shall be paved with either a stone, masonry, or a specially textured aggregate concrete material. All other areas not used for walkways, buildings, or vehicular ramps will be treated with planting materials, sculpture, light standards, fountains, pools, benches, or, with CEDD's and the Planning Commission's approval, other items of particular appropriateness to the specific circumstance. CEDD and Planning Commission approval or rejection for any such other items shall be given within 30 days of submission of plans for CEDD and the Planning Commission review, otherwise the owner of the Property shall be deemed to have satisfied the requirements of this paragraph.
- D. Signs: No exterior signs shall be erected on the Property which do not pertain to activities conducted thereon. All signs shall be subject to review by the Planning Commission and CEDD in accordance with the terms of the Detroit Zoning Ordinance.

6. Review of Plans

Prior to applying for a building permit for all construction and exterior alteration, plans shall be submitted to CEDD and the Planning Commission in sufficient detail to enable CEDD and the Planning Commission to determine that the construction is in compliance with these Restrictions. CEDD and the Planning Commission shall certify the plans as being in compliance with these Restrictions, and this certification shall be deemed conclusive evidence of compliance with these Restrictions. Such plans shall in any event be deemed in compliance with the Restrictions unless formal rejection in whole or in part setting forth in detail the reasons thereof shall be made within thirty (30) days after submission of the plans to CEDD and the Planning Commission.

7. Miscellaneous Provisions

- A. Location of Utility Equipment: All utility equipment, including facilities for transmission or distribution of gas, electricity, steam, water, or communications, except fire hydrants, lighting standards and above-ground utility equipment essential to sub-surface utility installations, shall be located underground or enclosed entirely within a building.

8. Severability

Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

9. Amending Restrictions

Upon request by the owner(s) of the Property, the City Council may, after a public hearing, amend these restrictions. Notice of the time and place of the hearing shall be given by publication in a newspaper of general circulation not less than thirty (30) days prior to the date set for such hearing. Notice of such hearing shall be mailed at least twenty-five (25) days before such hearing to the last known owner or owners of the Property at the last known address of such owner or owners as shown by the records of the Assessor of the City of Detroit.

D1282i

DECLARATION OF RESTRICTIONS  
EXHIBIT A-I

Lots 58 through 62 and Lots 95 through 99 and the to-be-vacated 20 ft. alley contiguous to the E'ly line of said Lots 58 through 62 and the W'ly line of said Lots 95 through 99, Section 1, Governor and Judges Plan as recorded in Liber 34 of Deeds, Page 550, Wayne County Records, more particularly described as: Beginning at the intersection of the E'ly line of Woodward Avenue, 190 ft. wide, with the N'ly line of Larned St., 60 ft. wide, at the SW'ly corner of said Lot 62, thence along said line of Woodward Ave., and the W'ly line of said Lots 58 through 62, N.30°12'29"W. 260.25 ft.; thence along the S'ly line of Congress St., 60 ft. wide, N.59°52'01"E. 200.48 ft. thence along the W'ly line of Bates St., 50 ft. wide and the E'ly line of said Lots 95 through 99, S.30°12'03"E. 260.26 ft.; thence along said N'ly line of Larned St., S.59°52'16"W. 200.45 ft. to the point of beginning, Containing 52,172 sq. ft. or 1.19770 acres of land.

TOGETHER WITH:

Bates St. between Congress St. and Larned St. to be vacated, in Section 1, Governor and Judges Plan, as recorded in Liber 34 of Deeds, Page 550, Wayne County Records, more particularly described as: Beginning at the intersection of the S'ly line of Congress St., 60 ft. wide with the W'ly line of said Bates St. being also the NE'ly corner of Lot 95 of said Section 1 and being distant along said line of Congress N.59°52'01"E. 200.48 ft. from the E'ly line of Woodward Ave., 190 ft. wide; thence along the W'ly line of said Bates St., S.30°12'03"E. 260.26 ft., thence along the extended N'ly line of Larned St., 60 ft. wide, N.59°52'16"E. 50 ft.; thence along the E'ly line of said Bates St., N.30°12'03"W. 177.64 ft. and N.0°16'47"W. 95.27 ft.; thence along the extended S'ly line of said Congress St. S.59°52'01"W. 97.52 ft. to the point of beginning, Containing 14,978 sq. ft. or 0.34385 acres of land.

D1692h